#### CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EL 719482048 US

Date of Deposit. June 22, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and as addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Tami Procopio

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: U.S. National Phase application of:

Robert Patrick HOF, et al.

Serial No.: Not yet assigned

Based on The Netherlands App.:

1015495

Int' Filing Date:

22 June 2000

For:

PROCESS FOR RACEMISING AN ENANTIOMER-ENRICHED SCHIFF BASE OF AN AMINO ACID AMIDE

Examiner: Not yet assigned

Group Art Unit: Not yet assigned

### PRELIMINARY AMENDMENT

Assistant Commissioner for Patents Washington, D.C. 20231

Dear Sir:

This is a preliminary amendment prior to examination, please amend the claims as follows:

### **AMENDMENT**

# Please replace presently pending claims 1-11 with the following claims 12-22:

- 12. (new) A process for racemising an enantiomer-enriched Schiff base derived from a primary amino acid amide which process comprises contacting said enantiomer-enriched Schiff base with a strong base in an organic solvent wherein said strong base is chemically reactive with water.
- 13. (new) The process of claim 12 wherein the strong base is a metal alkoxide, a metal alkyl, a metal amide, or a metal hydride.
  - 14. (new) The process of claim 13 wherein the strong base is a metal alkoxide.
- 15. (new) The process of claim 12 wherein the strong base is present in an amount of 0.001-1000 mole% relative to the enantiomer-enriched Schiff base.
- 16. (new) The process of claim 15 wherein the strong base is present in an amount of 0.1-100 mole% relative to the enantiomer-enriched Schiff base.
- 17. (new) The process of claim 12 wherein the enantiomer-enriched Schiff base is an N-benzylidene primary amino acid amide.
- 18. (new) The process of claim 12 wherein the enantiomer-enriched Schiff base is derived from an aliphatic primary amino acid amide.
- 19. (new) The process of claim 18 wherein the enantiomer-enriched Schiff base is derived from tertiary-leucine amide.
- 20. (new) The process of claim 12 wherein the organic solvent is an aromatic hydrocarbon, a cyclic aliphatic hydrocarbon or an ether.

- 21. (new) The process of claim 20 wherein the organic solvent is an aromatic hydrocarbon.
- 22. (new) The process of claim 12 wherein said enantiomer-enriched Schiff base has been prepared from the primary amino acid amide in said organic solvent.

## **REMARKS**

Proposed claims 12-22 are substantially similar to original claims 1-11, but have eliminated multiple dependencies to avoid extra claim fees and have been edited to conform to U.S. practice. No new matter has been added and entry of the amendment is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. <u>246152800000</u>. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated:

June 22, 2001

By:

Kate H. Murashige Registration No. 29,959

Morrison & Foerster LLP

3811 Valley Centre Drive, Suite 500

San Diego, California 92130-2332

Telephone: (858) 720-5112 Facsimile: (858) 720-5125